

BRUCE TITTEL DONALD F. FREI DAVID J. JOSEPHIC DAVID S. STALLARD J. ROBERT CHAMBERS GREGORY J. LUNN KUAT L. GROSSMAN CLEMENT H. LUKEN, JR. THOMAS J. BURGER GREGORY F. AHRENS WAYNE L. JACOBS KURT A. SUMME KEVIN G. ROONEY KEITH R. HAUPT THEODORE R. REMAKLUS THOMAS W. HUMPHREY SCOTT A. STINEBRUNER DAVID H. BRINKMAN BEVERLY A. LYMAN, Ph.D.

OF COUNSEL THOMAS W. FLYNN

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower 441 Vine Street Cincinnati, Ohio 45202-2917 Telephone: 513-241-2324 Facsimile: 513-241-6234 EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION LAW AND RELATED LITIGATION

> EDMUND P. WOOD 1923-1968 TRUMAN A. HERRON 1935-1976 EDWARD B. EVANS 1936-1971

FACSIMILE COVER SHEET

If transmission is interrupted or of poor quality, please notify us immediately by calling 513 \ 241-2324. Ask for sender's secretary.

JOSEPH R. JORDAN C. RICHARD EBY DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR. KATHRYN E. SMITH KRISTI L. DAVIDSON P. ANDREW BLATT, Ph.D. DAVID E. JEFFERIES WILLIAM R. ALLEN, Ph.D. JOHN PAUL DAVIS DOUGLAS A. SCHOLER BRETT A. SCHATZ DAVID W. DORTON LARRY D. MOORE SARAH OTTE GRABER WESLEY L. STRICKLAND* STEVEN W. BENINTENDI, Ph.D.

*ADMITTED ONLY IN D.C. AND VA

RECEIVED CENTRAL FAX CENTER

MAY 2 5 2004

TO:

The Honorable Commissioner

Attention: Mail Stop Amendment

Art Unit: 1642

Fax No.:

(703) 872-9306

Date:

May 25, 2004

Phone: (513) 241-2324

FROM: Beverly A. Lyman, Ph.D.

Fax:

(513) 421-7269

Pages (including cover page): _5_

Re:

U.S. Serial No. 10/751,232 LIGHT SENSITIVE COMPOUNDS FOR INSTANT

DETERMINATION OF ORGAN FUNCTION

Attorney Docket No. MRD-57CP

ATTACHMENTS/COMMENTS:

OFFICIAL

Please deliver to Technology Center Supplemental Information Disclosure Statement (2 pages) Supplemental Information Disclosure Statement 1449 (1 page) International Search Report (1 page)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office centralized facsimile number (703) 872-9306 on the date shown below.

Blook May 25, 2004 Rhonda A. Etienne Date



CERTIFICATE OF FACSIMILE

I hereby cartify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office to the centralized facsimile number at (703) 872-9306 on May 25, 2004.

Chanda A. Clienne 5/25/04 Rhonda A. Etlenne Date

PATENT

RECEIVED CENTRAL FAX CENTER

MAY 2 5 2004

Achilefu et al.

Applicants: Serial No.:

10/751,232

Filed:

January 2, 2004

Art Unit:

1642

Confirmation No.:

2153

Examiner:

Unknown

Title:

LIGHT SENSITIVE COMPOUNDS FOR INSTANT

DETERMINATION OF ORGAN FUNCTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket:

MRD-57CP

Cincinnati, OH

May 25, 2004

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §\$1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the United States Patent and Trademark Office in connection with the above-identified patent application.

The references include an International Search Report dated February 13, 2002 and cited U.S. Patent Nos. U.S. 5,106,990 issued to Ohno et al. and U.S. 5,496,689 issued to Ogawa.

No representation is made that the cited art is the only art or that the cited art represents the best art.

The Examiner is urged to consider all of the cited documents and to make an independent evaluation of the teachings and materiality of each.

Applicants believe that no fee is due, however, if any additional fee is required to complete this communication, please charge Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Beverly A. Lyman, Ph.D.

Reg. No. 41,961

2700 Carew Tower 441 Vine Street Cincinnati, OH 45202 (513) 241-2324 - Office (513) 421-7269 - Facsimile

Sheet _ 1 (A) of 1 SUBSTITUTE FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE SERIAL NO. ATTY, DOCKET NO. PATENT AND TRADEMARK OFFICE (MODIFIED) MRD/57CP 10/751,232 SUPPLEMENTAL INFORMATION DISCLOSURE **APPLICANT** STATEMENT BY APPLICANT Samuel Achilefu et al. (Use several sheets if necessary) FILING DATE GROUP (37 CFR 1.98(b)) January 2, 2004 1642 U.S. PATENT DOCUMENTS FILING DATE
IF APPROPRIATE EXAMINER ISSUE CLASS SUBCLASS INITIAL PATENT NUMBER DATE PATENTEE 6 9 04/1992 548 427 03/1989 0 Ohno et al. A.A 03/1996 430 505 01/1995 5 4 9 6 6 ₿ 9 A.B Ogawa A.C A.D A.E A.F A.G A.H A.I A.J FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS DOCUMENT **PUBLICATION** COUNTRY OR **TRANSLATION** NUMBER DATE PATENT OFFICE **CLASS** SUBCLASS (YES/NO) A.L A.M A.N A.O A.P A.Q OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication) A.R PCT, International Search Report, Date Mailed February 13, 2002 (1 page) A.S T.A DATE CONSIDERED **EXAMINER** EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Substitute Disclosure Form (PTO-1449)